REMARKS

The following remarks pertain to the Office Action, dated February 25, 2004,

in which:

- claims 1-51 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims in U. S. Patent No. 6,421,730 B1 (Narad et. al.)(hereinafter Narad).

- claims 1-51 were rejected under §102(e) as being anticipated by Vaid et al. (6,078,953) (herein Vaid).

The applicant respectfully requests reconsideration of the above referenced patent

application in view of the following remarks.

(A) Narad: rejection of claims 1-51 under the judicially created doctrine of obviousness-type double patenting

The Office rejected claim 1 under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims in Narad.

The applicant has included a terminal disclaimer, thus, this rejection is moot.

(B) Vaid: rejection of claims 1-51 under §102(e)

The Office rejected claims 1-51 as being anticipated by Vaid under §102(e). To

establish a *prima facie* case of anticipation under §102, the Examiner must supply a

single prior art document that alone teaches every element and every limitation of the

claim being rejected. If the Examiner cannot show that the single prior art document

asserts each and every element and limitation of the applicant's claim, then the

Examiner has failed to establish a *prima facie* case of anticipation for that claim. To overcome the a rejection under 35 USC 102, the applicant must only demonstrate that that the cited prior art document fails to teach one element or limitation present in the claim.

Independent claims 1, 18, and 35 recite (with emphasis added):

Claim 1. (Original) A platform for processing a partitioned network infrastructure application, comprising:
first processing means for processing an application processor (AP) module; and
second processing means for processing a policy engine (PE) module, wherein the PE module includes a plurality of action and classification engines (ACEs), **the plurality of ACEs including two or more instances of a particular ACE.**

Claim 18. (Original) An apparatus to process a partitioned network infrastructure application, comprising:
a first facility to process an application processor (AP) module; and
a second facility to process a policy engine (PE) module, wherein the PE module includes a plurality of action and classification engines (ACEs), **the plurality of ACEs including two or more instances of a particular ACE.**

35. (Original) A method of partitioning a network infrastructure application, the method comprising:
providing an application processor (AP) module; and
providing a policy engine (PE) module, wherein the PE module includes a plurality of action and classification engines (ACEs), **the plurality of ACEs including two or more instances of a particular ACE.**

The relevant portion of the Examiner's rejections pertains to the second facility for processing a policy engine module, wherein the policy engine module included a plurality of ACEs. Figure 2 of Vaid is a simplified block diagram of the system architecture details. Of import is the policy engine module 231. The policy engine module layer includes an instance of a security policy module, a traffic policy module, and a module labeled other, indicative of other different modules that could be part of

the policy engine module layer. Both the Flow Analysis and Session Tagging (FAST) and Low Analysis and Intelligent Regulation (FAIR) module layers represent similar singular instances of different modules.

Vaid column 9, lines 32-38 teaches that the physical layer for the Vaid invention is a personal computer running a standard operating system, a network interface computer, or related platform. Column 9, line 51 through column 10, line 8 teaches that the bandwidth monitoring / management tool is deployed by a platform as above and serves a variety of functions as illustrated in figure 2 (201, 202, 203, 205, 217, 219, and 221). The cited portions of figure 2 display *individual* modules performing security policy, traffic policy, classification, control, time management, measurement, and other assorted functions. However, neither the figures nor the corresponding text of the specification indicate that there is more than one instance of a particular ACE.

As claims 2-17, claims 19-34, 36-51 depend on claims 1, 18, and 35 respectively, the applicant respectfully requests that the Examiner allow claims 1-51.
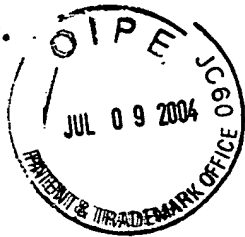
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Robert A. Greenberg
Reg. No. 44,133

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(503) 684-6200

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